

REMARKS

Claims 1-9 are pending in this application. By this Amendment, claims 1, 2, 3 and 5 are amended. Support for the amended claims can be found, for example, on page 12, line 4 - page 14, line 23. No new matter is added.

An Information Disclosure Statement with Form PTO-1449 was filed on October 1, 2001. Although the Office Action indicates that a copy of the Form PTO-1449 was enclosed with the Office Action, Applicants did not receive a copy of the Form with the mailed Office Action. The Examiner is requested to initial and return to the undersigned a copy of the subject Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-9 under 35 U.S.C. §102(b) as being anticipated by Asher et al. (hereinafter "Asher"), U.S. Patent No. 5,854,078. The rejection is respectfully traversed.

Asher fails to disclose a sensor material comprising at least a stimulus-responsive high polymer gel, a bio-substance-responsive material, and a colored pigment as recited in claim 1.

Asher merely discloses a sensor device having a hydrogel that undergoes a volume change in response to a specific chemical species, and a crystalline colloidal array (CCA) polymerized within the hydrogel. Accordingly, when the volume of the hydrogel changes, the lattice spacing of the CCA embedded therein will also change, which results that the light diffraction properties of the CCA will change as the lattice spacing is changed (col. 2, lines 13-20). However, it is respectfully submitted that Applicant's invention requires a colored pigment within a hydrogel so that the vital reaction is detectable when the light modulated is penetrating the hydrogel. In other words, Asher discloses changing the lattice spacing to change the light diffraction properties of the CCA, whereas Applicant's invention discloses a

polymer gel capable of changing volume by an external stimulus and a colored pigment contained therein.

Accordingly, Asher fails to disclose or suggest a sensor material having at least a stimulus-responsive high polymer gel, a bio-substance-responsive material, and a colored pigment, as recited in claim 1.

The Office Action rejects claims 1-9 under 35 U.S.C. §102(e) as being clearly anticipated by Akashi et al. (hereinafter " Akashi ") U.S. Patent No. 6,287,485. The rejection is respectfully traversed.

The rejection is overcome by the attached Declaration that establishes that Mr. Akashi, who is a co-inventor of the present application, is the sole inventor of the subject matter disclosed in the Akashi et al. '485 Patent, which is relied upon to reject the present claims. The Declaration establishes that the relevant portions of Akashi et al. '485 are not prior art under 35 U.S.C. §102(e). Thus, the rejection of claims 1-9 under 35 U.S.C. §102(e) over Akashi should be withdrawn.

For at least these reasons, Applicants respectfully submit that Asher and Akashi fail to disclose the features recited in independent claim 1. Claims 2-9, which depend from independent claim 1 are likewise distinguished over the applied art for at least the reasons discussed above, as well as for the additional features they recite. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102 are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:DXC/brc

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